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## 5.8 - Land Use and Planning

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### 5.8.1 - Introduction

This section describes the existing land use and planning setting and the potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on information contained in the California Coastal Act, Newport Beach General Plan, Newport Beach Local Coastal Program Coastal Land Use Plan (CLUP), City of Newport Beach Municipal Code, and City of Newport Beach, City Council Policy H-1, Harbor Permit Policy.

### 5.8.2 - Regulatory Setting

Several local and regional plans, programs, and ordinances apply to or relate to the project site and are more fully described in this section. There are no federal laws or regulations that directly control land uses and land use planning in the City of Newport Beach, although the federal Coastal Zone Act is implemented through California laws and regulations.

#### **State Policies and Regulations.**

**Tidelands Trust and Leases.** Tidelands and submerged lands are subject to a public trust that, among other things, limits their use to navigation, fishing, commerce, public access, water-oriented recreation, open space and environmental protection. Residential is not a permitted use. Tidelands and submerged lands within the corporate limits of Newport Beach are, with very limited exceptions, owned by the State. The vast majority of tidelands and submerged lands in Newport Beach have been granted to the City or the County of Orange to administer in a manner consistent with the public trust limitations relative to use of the property and revenue derived from that use. The tideland boundary in Newport Harbor has been, for virtually all of the properties, established by court judgments stemming from a series of lawsuits filed in the 1920's and 1930's.

Chapter 494 of the Statutes of 1919 granted to the City of Newport Beach all tidelands and submerged lands that were within its corporate limits at that time. Additional tidelands were granted by Chapter 70 of the Statutes of 1927. These tidelands and submerged lands consist primarily of the land bayward of the bulkhead and portions of bay beaches in the Lower Bay. The Beacon Bay Bill (Chapter 74, Statutes of 1978) regranted to the City of Newport Beach all tidelands and submerged lands that were within its corporate limits on July 25, 1919. The Beacon Bay Bill established limitations on the use of tidelands and submerged lands to those in which there is a general statewide purpose, including the establishment, improvement and conduct of a public harbor, recreational facilities open to the public, and the preservation and enhancement of the lands in their natural state.

A portion of the site is considered historic tidelands that were filled when the Newport Beach Harbor was created; that boundary between tidelands and uplands has not been established by the State Lands Commission. The State Lands Commission is a responsible agency for the project and would undertake Jurisdictional Review.

**California Coastal Act (Coastal Act or CCA).** The project site is located in the coastal zone, and the CCA is the state's regulatory authority governing land use in the coastal zone. This act (California State Public Resources Code, Division 20, Sections 30000 et seq.), passed in 1976 in order to implement the federal Coastal Zone Act, established the California Coastal Commission (CCC) as the coastal management and regulatory agency over the coastal zone (Public Resources Code 30103). The CCC is responsible for assisting in the preparation, review and certification of Local Coastal Programs (LCPs). The LCPs, which include a Coastal Land Use Plan (CLUP), are developed by local governments and governmental agencies for that portion of their jurisdictions that fall within the coastal zone. Following certification of the LCP and CLUP, regulatory responsibility is then delegated to the local jurisdiction, although the CCC retains jurisdiction over the immediate shoreline.

Chapter 3 of the CCA identifies the six coastal resources planning and management policies that are used to evaluate a proposed project's consistency with the CCA:

- Providing for maximum public access to California's coast;
- Protecting water-oriented recreational activities;
- Maintaining, enhancing, and restoring California's marine environment;
- Protecting sensitive habitats and agricultural uses;
- Minimizing environmental and aesthetic impacts of new development; and
- Locating coastal-dependent industrial facilities within existing sites whenever possible.

The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the CCC and by local governments, pursuant to the Coastal Act. In the case of the City of Newport Beach, the CCC has not certified the implementation plan of the City's CLUP; accordingly, the CCC retains jurisdiction in the City's tidelands and is the responsible permitting agency, issuing Coastal Development Permits for public and private developments. Additional information regarding Newport Beach's CLUP and its implementation of the CCA is provided below.

**Global Warming Solutions Act of 2006.** Passed as Assembly Bill 32, this act established the state's goal of achieving 1990 levels of greenhouse gas (GHG) emissions by the year 2020. In response to AB 32, municipalities, regional governmental authorities, and lead agencies throughout the state are re-focusing transportation planning, travel demand modeling, sustainable communities strategies, environmental review (including CEQA), and development planning efforts to encourage compact land use forms that minimize energy consumption, vehicle miles travelled, and waste, with the objective of reducing GHG emissions. (See Section 5.2 Air Quality for further discussion of Greenhouse Gas emissions.)

## Local Land Use Regulation

The City of Newport Beach has preeminent authority over deciding land use of the site. The adopted planning documents regulating land use within and around the project site are the City of Newport Beach General Plan, the City's Local Coastal Land Use Plan (CLUP), and the Zoning Code.

### ***City of Newport Beach General Plan.***

State law requires cities and counties, as political subdivisions of the State, to adopt general plans that provide a comprehensive set of policies and guidelines that are the basis for land-use decisions.

General plans are required to contain the following elements: Land Use, Circulation, Conservation, Open Space, Noise, Safety, and Housing. (The City of Newport Beach adopted a Natural Resources Element that addresses Conservation and Open Space.) The City of Newport Beach has also adopted the following optional elements to its General Plan: Historical Resources, Arts and Cultural, Harbor and Bay, and Recreation.

Based on a review of the project location, components of the proposed project, technical studies prepared for the project, and the applicable policies of the General Plan, the following General Plan elements are relevant to the proposed project: Land Use, Recreation, Harbor and Bay, Natural Resources, Noise, Housing, Circulation, and Safety. Discussions of the applicable goals and policies of each element to the proposed project and the consistency of the project with the applicable goals and policies are provided in Section 5.8.4.

***Land Use Element.*** The Land Use Element provides guidance regarding the ultimate pattern of development of Newport Beach. It is based on, and correlates policies from, all General Plan elements into a set of coherent development policies, which serve as the central organizing element of the City's General Plan as a whole. Cumulatively, the Land Use Element's policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality, and image. Policies related to urban form are also contained in the Land Use Element.

The Land Use Element includes two designations relevant to the project site: Park and Recreation (PR) and Public Facilities (PF). The PR designation (Figure LU5 in the Land Use Element of the General Plan) applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The PF designation, which applies to a small portion of the project site, is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.

***Recreation Element.*** The Recreation Element focuses on the City's parks, bicycle, and pedestrian trails, recreational facilities, and coastal resources such as beaches. These amenities play an important role in the physical, mental, social, and environmental health of Newport Beach residents.

They are important land-use components in an urban environment, providing both visual relief from the built environment and contributing to residents' quality of life through recreation and aesthetic value. The primary purpose of the Recreation Element is to ensure that the balance between the provision of sufficient parks and recreation facilities is appropriate for the residential and business populations of Newport Beach. Specific subjects in the Recreation Element include parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

The City has been divided into service areas for the purposes of park planning and to equitably administer parkland dedications and fees provided by residential development. The project site is located in Service Area No. 2 - Balboa Peninsula. Most of the Peninsula's recreation area is in beaches. This area has little vacant land for development, and the population is expected to remain stable. Although there is currently a surplus in park acreage (due to the inclusion of beach areas), any future park needs can be satisfied via the renovation and upgrading of facilities, such as those at Las Arenas Park and Peninsula Park. Additional active park facilities are desirable, along with support facilities such as restrooms, showers, and drinking fountains. There is also a need for additional boat launching and mooring facilities, as well as pedestrian pathways to and along the Bay.

**Harbor and Bay Element.** The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element is to preserve the diversity, charm, and character of existing uses that provide support for recreational boaters, visitors, and residents. Goals and policies within the Harbor and Bay Element have been organized to address water- and land-related issues, provision of public access, provision of waterfront public spaces, and provision of vessel berthing and storage opportunities.

**Natural Resources Element.** The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach's natural resources and articulates policies for their preservation, development, and wise use. This element addresses water supply (as a resource) and water quality (bay and ocean quality as well as potable drinking water), air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy conservation.

**Noise Element.** The Noise Element of the General Plan is a tool for including noise control in the planning process in order to maintain land uses compatible with environmental noise levels. The Noise Element identifies noise-sensitive land uses and noise sources such as boating and recreational activities and defines areas of noise impact for the purpose of developing policies to insure that Newport Beach residents will be protected from excessive noise intrusion.

The Noise Element follows the revised State Guidelines in Section 46050.1 of the Health and Safety Code. The element quantifies the community noise environment in terms of noise exposure contours for both near and long-term levels of growth and traffic activity. The information contained in this document provides the framework to achieve compatible land uses and provide baseline levels and noise-source identification for local noise-ordinance enforcement.

***Housing Element.*** The Housing Element of the General Plan has been updated to ensure consistency with the updated Land Use Element, and includes more recent demographic and housing data. The Housing Element covers the next Regional Housing Needs Assessment (RHNA) allocation cycle of 2008-2013.

***Safety Element.*** The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element addresses a variety of potential hazards, including coastal, seismic, and flooding hazards, and hazardous materials. The goals of the Safety Element are focused on protecting people and property from those hazards, and to achieve those goals a number of policies have been developed.

#### ***Local Coastal Program (LCP) Coastal Land Use Plan***

The California Coastal Act directs each local government lying wholly or partly within the Coastal Zone, as defined by the Coastal Act, to prepare a Local Coastal Program for its portion of the Coastal Zone. Local Coastal Programs are used by local governments to carry out the policies and requirements of the Coastal Act. Local Coastal Programs must be reviewed and certified by the California Coastal Commission before being implemented by a local government.

The Local Coastal Program is divided into two components: a Coastal Land Use Plan (CLUP) and an Implementation Program. The CLUP provides policies related to land use, public access and coastal resource protection for areas within the Coastal Zone, and the Implementation Program provides the mechanism for implementing the policies.

More than 63 percent of the City of Newport Beach, including the project site, is located in the Coastal Zone. The Coastal Commission certified the City's CLUP Amendment on July 14, 2009. The CLUP organizes the coastal resources planning and management policies under chapters 2, Land Use and Development, 3, Public Access and Recreation, and 4, Coastal Resource Protection.

***Chapter 2, Land Use and Development.*** Chapter 2 of the CLUP is based on the Land Use Element of the City's General Plan and is intended to identify the distribution of land uses in the coastal zone. It provides the Land Use Map, coastal development review process, and specific policies by development category.

The Coastal Land Use Plan Map designates the project site as Parks and Recreation (PR) category, which applies to land used or proposed for active public or private recreational use, and Public Facilities (PF) category, which applies to land used or proposed for public facilities. Permitted uses in the PR category include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. Permitted uses in the PF category include schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.

**Chapter 3, Public Access and Recreation.** Chapter 3 of the CLUP addresses policies for shoreline and coastal access, and provides information and policies related to recreation programs and events. The ocean beaches and the beaches in the harbor, including Las Arenas Beach (the project site), are identified as coastal facilities that require public access. Policies call for the City to protect and, where possible, expand and enhance public access to beaches, and to ensure that development does not obstruct coastal access or views.

Policies related to recreation call for the City to “protect, and where feasible, expand and enhance recreational opportunities in the coastal zone” (Policy 3.2.1.-1), “continue to protect public coastal access recreational opportunities through the provision of adequate support facilities and services” (Policy 3.2.2-1), and “develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months (Policy 3.2.2-4). Las Arenas Park is specifically identified in the Recreation Element of the General Plan as one of the parks offering support services for coastal recreational activities. Finally, the CLUP contains policies related to provision of facilities for visiting vessels; specifically, Policy 3.3.2.7 states that the City’s policy is to “protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy docks, guest docks, club guest docks, pump-out stations and other features, through City, County, and private means.”

**Chapter 4, Coastal Resource Protection.** Chapter 4 of the CLUP addresses biological resources, wetlands and deepwater areas, water quality, scenic and visual resources, and paleontological and cultural resources. Section 30230 of the Coastal Act requires that marine resources “be maintained, enhanced, and, where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.” Chapter 4 identifies sensitive marine resources in Newport Harbor and the adjacent ocean, as well as invasive species, and articulates policies that commit the City to fulfilling the CCA policies regarding marine resource protection. Policies address such issues as habitat protection, erosion and pollution control, invasive species control, and water quality improvement.

Section 4.3 addresses water quality, establishing policies that commit the City to implementing the municipal separate storm sewer system (MS4) NPDES permit, including comprehensive requirements for runoff reduction and retention in new developments, best management practices (BMP) implementation, and source control. Section 4.3 also contains policies related to Total Maximum Daily Load (TMDL) development and implementation, including development planning, construction management, and watershed restoration

Section 4.4 of the CLUP contains scenic and visual resources policies, including coastal view protection, bulk and height limitations, natural landform protection, and sign and utility regulations. Where feasible, the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor, are to be protected. Coastal views from designated roadway segments are to be protected pursuant to Policy 4.4.1-6.

Height limitations and massing are also addressed in Section 4.4. Concern over the intensity of development around Lower Newport Bay led to the adoption of a series of ordinances in the early 1970s that established more restrictive height development standards around the bay. The intent was to regulate the height of structures consistent with the character and visual scale of Newport Beach. As shown in the CLUP (Map 4-3, Coastal Views), the Marina Park site is located within the Shoreline Height Limitation Zone, where new development is limited to a height of 35 feet. Private developments proposing architectural elements that would extend above 35 feet would require the filing and approval of a Modification Permit, per Municipal Code Section 20.65.070, but, as described below, the City can exempt itself from the provisions of this code restriction.

#### ***City of Newport Beach Municipal Code - Zoning Code***

The majority of the project site is zoned Planned Community (PC). The PC zone is intended to “[p]rovide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning;” and “[a]llow diversification of land uses as they relate to each other in a physical and environmental arrangement while insuring substantial compliance with the spirit, intent and provisions of this Code;” and “[i]nclude various types of land uses, consistent with the General Plan, through the adoption of a development plan and text materials which set forth land use relationships and development standards. The SCE parcel is zoned General Educational Institutional Facility (GEIF).

The proposed Marina Park project would be a unique facility in that it would combine community center, park, beach, and recreational and visitor-serving boating facility elements in one project. There are no specific development regulations or standards in the City of Newport Municipal Code that apply to this type of facility. A city or county may exempt itself from the provisions of its own zoning regulations, or it may amend its Zoning Code to include a provision that the regulations shall not apply to capital improvement projects. The Newport Beach Municipal Code does not currently include a provision to exempt capital improvement projects, such as the Marina Park project. The

City, in this particular case, proposes to exempt itself from the provisions of its own zoning regulations.

Should the City Council decide not to exempt this project from the zoning and development regulations of the Code, a use permit per the Newport Beach Municipal Code Section 20.65.055 and a modification permit per the Newport Beach Municipal Code Section 20.65.070 would be required to allow the lighthouse architectural feature to exceed the 35-foot base height limit.

Regardless of the zoning and development issues, the City would be required to issue several permits and may need to undertake other approvals and ministerial actions as the project progresses. The required City permits are:

- Harbor Permit
- Demolition Permit
- Building Permit

The construction and operation of the Girl Scout building would require approval of a use permit.

### **5.8.3 - Existing Conditions**

#### **Onsite Land Uses**

The project site encompasses 10.45 acres and is developed with residential (i.e., mobile homes), Girl Scout house, park and recreation facilities (e.g., community center, tot lot, basketball courts, public tennis courts, beach access, etc.), and surface parking lot uses. The site is bordered on the east by an asphalt parking lot, the American Legion Post 291, residential and commercial uses, and 15<sup>th</sup> Street; to the south by West Balboa Boulevard and residential uses; and to the west by 18<sup>th</sup> Street, a hotel and residential uses, and 19<sup>th</sup> Street along the public beach..

The Marina Park mobile home park is an approximately 50-year-old facility with approximately 57 mobile homes with 15 full-time residents and 41 part-time tenants (plus an office). The public beach is located between the American Legion Post 291 and 19<sup>th</sup> Street. Las Arenas Park consists of four public tennis courts and a children's play area. The City of Newport Beach Balboa Community Center and the Neva B. Thomas Girl Scout House are located along Balboa Boulevard. A metered public parking lot with 21 stalls is located adjacent to 18<sup>th</sup> Street. Veteran's Park includes a turf area with picnic tables located adjacent to the American Legion Post 291 and its marina. Finally, the existing public restroom on the public beach at 19th street is also part of the project site.

The Land Use Element of the City's General Plan designates the project site as Park and Recreation (PR) and Public Facilities (PF). The existing Marina Park mobile home park is not a permitted use on the project site under the PR land use designation. The existing public beach, Las Arenas Park, the community center, Girl Scout house, parking, Veteran's Park, and public restrooms are permitted uses on the project site. The portion of the project site that includes a PF designation is currently vacant and historically was used as a Southern California Edison substation.



There are several recreational uses that occur on the project site. The site is used by residents of the City for recreational dance and exercise classes, meetings, training sessions, and general public use. The project site contains Las Arenas Park, which is classified as a Neighborhood Park, a public beach, and the Balboa Community Center. The project site currently provides limited support for recreational boaters, consistent with the Harbor and Bay element of the General Plan, by providing a launch ramp at the end of 18<sup>th</sup> Street as well as the provision of a public beach for visitors and residents. Currently, shoreline and coastal (i.e., beach) access is provided at 15<sup>th</sup> Street, 18<sup>th</sup> Street, and 19<sup>th</sup> Street.

### **Surrounding Land Uses**

Generally, the northern boundary of the project site is a portion of the public beach and Newport Bay. Immediately east of the project site are commercial, institutional (the American Legion Post 291), recreational (the American Legion marina), and residential uses. The area south of the project site is bordered by West Balboa Boulevard and residential uses. The area west of the project site is occupied by commercial (including a hotel) and residential uses.

### **5.8.4 - Thresholds of Significance**

According to the CEQA Guidelines' Appendix G Environmental Checklist, the following questions are analyzed and evaluated to determine whether land-use and planning impacts are significant environmental effects. Would the project:

- a.) Physically divide an established community?
- b.) Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c.) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

### **5.8.5 - Project Impact Analysis and Mitigation Measures**

This section discusses potential impacts associated with the proposed project.

#### **Divide Established Community**

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**5.8-A: The project would not physically divide an established community.**

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#### ***Project-Specific Analysis***

The proposed project would not physically divide an established community nor result in any barriers that would preclude travel throughout the project area. The proposed project would actually enhance public access to and along the beach by removing existing barriers such as the mobile home park and

associated fences. Therefore, no impact related to this issue would result from implementation of the proposed project.

**Cumulative**

Because the proposed project would not physically divide an established community, it would not contribute to any other projects or conditions that might hinder movement or access. Therefore, the proposed project would not contribute to potential cumulative effects related to dividing an established community.

**Mitigation Measures***Project Specific*

No mitigation measures are required.

*Cumulative*

No mitigation measures required.

**Level of Significance After Mitigation***Project Specific*

No impact.

*Cumulative*

No impact.

**Conflict with Applicable Plans, Policies, or Regulations**

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**5.8-B: The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.**

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**Project-Specific Analysis**

The City of Newport Beach General Plan and the City's Local Coastal Program sets forth policies that serve to guide land use planning efforts in the City of Newport Beach. As described in **Table 5.8-1**, the proposed project is consistent with the applicable goals and policies of the City's General Plan. As described in **Table 5.8-2** the proposed project is consistent with the applicable goals and policies of the Coastal Land Use Plan (CLUP) and therefore with the California Coastal Act (on which the CLUP is based).

**Mitigation Measures***Project Specific*

No mitigation measures are required.

*Cumulative*

No mitigation measures are required.

**Level of Significance After Mitigation**

*Project Specific*

No impact.

*Cumulative*

No impact.

**Conflict with Conservation Plans**

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**5.8-C: The project would not conflict with any applicable habitat conservation plan or natural communities conservation plan.**

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See Section 5.3-F.

**Table 5.8-1:  
Consistency of Marina Park Project With Applicable General Plan Goals and Policies**

<b>Harbor and Bay Element</b>		
HB 1	Preservation of the diverse uses of the harbor and the waterfront that contribute to the charm and character of Newport Bay and that provide needed support for recreational boaters, visitors, and residents.	The proposed project would expand the existing Community Center facilities and public park, maintain the public beach, and preserve the site's current public service and recreation designation. The project would contribute to the unique character of Newport Bay through the provision of the proposed marina and community buildings and the provision of greater access to the bay. The project would also provide recreational opportunities and support facilities for the community and for visitors. Accordingly, the project would be considered consistent with this policy.
HB 1.1	<b>Preservation and Enhancement of Water-Dependent and Related Uses.</b> Preserve and enhance the following uses that contribute to the diversity and charm of Newport Bay, and the balance among them: <ul style="list-style-type: none"> <li>• Water-dependent and water-related recreational activities such as boating, sailing, wind surfing, fishing, kayaking, rowing, paddle boarding, and swimming.</li> <li>• Water dependent and water-related commercial activities such as passenger/sightseeing boats, passenger-fishing boats, boat rentals and sales, entertainment boats, boat/ship repair and maintenance, and harbor maintenance facilities.</li> <li>• Water-enhanced commercial uses such as restaurants and retail stores.</li> <li>• Water-related public recreation and education areas and facilities such as beaches, piers, view parks and nautical museums and related public areas providing access to, and views of, Newport Harbor.</li> <li>• Coastal residential communities.</li> </ul>	The project would enhance water dependent and water related activities through the provision of expanded facilities for sailing and water sports programs, a recreational and visitor-serving boating facility, and a beach-adjacent public park. Existing water sports facilities would be preserved, and access to, and views of, Newport Bay would be enhanced. Accordingly, the project would be consistent with this policy.
HB 1.2	<b>Waterfront Public Spaces.</b> Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity "centers" of Newport Harbor for special events of community/regional interest.	The project proposes a public beach and waterfront public spaces, including a recreational and visitor-serving boating facility that would provide docking facilities and water access. With the provision of these spaces, the project would be consistent with this policy.
HB 2	Retention of water-dependent and water-related uses and recreational activities as primary uses of properties fronting on the Harbor.	The proposed project would avoid impacts to existing and potential uses in adjacent areas, and does not involve changes in land uses except to remove a non-conforming, non-water-dependent use and replace it with water-dependent and water-related uses. Accordingly, the proposed project is considered consistent with the Goals HB2 and associated policies.
HB 2.1	<b>Design of New Development.</b> Site and design new development to avoid impacts to existing and potential water-dependent and water-related uses.	
HB 2.2	<b>Land Use Changes.</b> Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties.	
HB 2.6	<b>Public Access Facilities.</b> Ensure that new or improved public access facilities are compatible with existing, permitted land uses and consistent with the availability of supporting infrastructure, such as parking and restrooms.	The proposed project would provide public access facilities (park, public restrooms, community facilities, off-street parking) that would be consistent with the existing land-use designation (PR).

Table 5.8-1: Consistency of Marina Park Project With Applicable General Plan Goals and Policies		
HB 5.1	<b>Marina and Dry Boat Storage Facilities.</b> Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities.	The proposed project includes a recreational and visitor-serving boating facility that would accommodate visiting vessels up to 30 days. The project would increase the City's inventory of visiting vessel berths by 23 slips (plus one side tie). The addition of the proposed recreational and visitor-serving boating facility would expand the opportunities for vessel berthing in Newport Bay. Therefore, the proposed project is considered consistent with the goals of HB 5.
HB 5.2	<b>Berthing and Moorings.</b> Provide a variety of berthing and mooring opportunities throughout Newport Harbor, reflecting state and regional demand for slip size and affordability.	
HB 6.1	<b>Provision of Public Coastal Access.</b> Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, and acquire additional public access points to these areas and provide parking, where possible.	
HB 6.3	<b>Provision of Visitor Facilities in Newport Harbor.</b> Encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor. Coordinate work with the Orange County Harbor, Beaches, and Parks Department to provide such facilities where appropriate and feasible.	Public access to the beach would be provided by walkways within the proposed park as well as an access provided along the western side of the proposed recreational and visitor-serving boating facility. Furthermore, 18th and 19th Streets will continue to provide access to the public beach. Removal of the existing mobile home park would enhance public access to the bay. Accordingly, the project is considered consistent with the public access policies of HB 6.
HB 6.4	<b>Enhancement of Guest and Public Facilities.</b> Protect and, where feasible, expand, and enhance: <ul style="list-style-type: none"> <li>• Waste pump-out stations</li> <li>• Vessel launching facilities</li> <li>• Low-cost public launching</li> <li>• Marinas and dry boat storage facilities</li> <li>• Guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations</li> <li>• Facilities and services for visiting vessels</li> <li>• Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities</li> <li>• Existing harbor support uses serving the needs of the existing waterfront.</li> </ul>	
HB 8.2	<b>Water Pollution Prevention.</b> Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.	As described in Section 3 Project Description, the project would enhance guest and public facilities, which would include, but are not limited to, a waste pump-out station; a recreational and visitor-serving boating facility; utility hook-ups for the boating facility; and the Balboa Center Complex, including a cafe. Existing public boat launch facilities would be preserved. Accordingly, the project would be consistent with the visitor- and guest-serving elements of HB 6.
HB 8.4	<b>Storm Drain Sewer System Permit.</b> Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.	
HB 8.5	<b>Natural Water Bodies.</b> Require that development not result in the degradation of natural water bodies.	
HB 8.9	<b>Water Quality Management Plan.</b> Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	
HB 8.10	<b>Best Management Practices.</b> Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	
HB 8.11	<b>Site Design and Source Control.</b> Include site design and source control	The proposed project includes various water quality best management practices (see Section 5.7), including construction BMPS and, in the long term, an increase in pervious surfaces, bioswales and biocells, and marina and park management practices. The project would include implementation of a water quality management plan (WQMP) for operation of project components. Given the project's design for retaining all water on the project site under normal conditions, no offsite storm water runoff is expected. Therefore, the proposed project is considered consistent with the policies of element HB 8.

**Table 5.8-1:  
Consistency of Marina Park Project With Applicable General Plan Goals and Policies**

	BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Elimination System, structural treatment BMPs will be implemented along with site design and source control measures.	
HB 8.16	<b>Siting of New Development.</b> Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits.	
HB 8.17	<b>Parking Lots and Rights-of-Ways.</b> Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.	
HB 8.19	<b>Natural Drainage Systems.</b> Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.	
HB 8.20	<b>Impervious Surfaces.</b> Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	
HB 9.1	<b>Design of New or Renovated Bulkheads.</b> Balance private property rights, natural harbor tidal and current forces and other coastal processes (such as erosion and accretion) and harbor aesthetics with other policies when considering designs for new or renovated bulkhead permits.	The proposed project includes sheet piling along a portion of the site's waterfront (in what is now dry land) and a groin to protect the new recreational and visitor-serving boating facility from siltation. These features would not alter natural harbor tidal currents, coastal erosion, or sand transport (see Section 5.7), and would therefore not have an adverse impact on the profile of the beach at Marina Park. Accordingly, the proposed project is considered consistent with the coastal processes policies of HB 9.
HB 9.2	<b>Protection of Beach Profile.</b> Permit and design bulkheads and groins to protect the character of the existing beach profiles and to restore eroded beach profiles found around the Harbor and island perimeters, and the safe navigation and berthing of vessels.	
HB 9.3	<b>Structures Impacting Visual Resources.</b> Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways.	The portion of the proposed recreational and visitor-serving boating facility that is located bayward of the bulkhead line includes structural pilings (piers), a groin, and floats. The provision of these facilities is consistent with this policy.
HB 12.3	<b>Tidelands Leases and Permits.</b> Review the administration of tidelands leases and permits, and consider accepted Best Management Practices to assist in redevelopment, maintenance, and financing of waterfront developments, and to reflect market value in the lease rates.	The proposed project does not involve tidelands leases, as it consists entirely of publicly-operated facilities. The project would terminate the existing lease to the mobile home park which, as a non-conforming use, may not be consistent with tidelands leasing policy. Accordingly, the project would be consistent with policy HB 12.
HB 13.1	<b>Sediment Management within Newport Bay.</b> Develop a comprehensive sediment management program that provides for safe navigation and improved water quality.	As described in section 3.4.2, Phase 3, Marina Construction, 62,000 cy of sand would be disposed of on the project site and at one or more of four alternate beach replenishment disposal sites (3,000 cy would have insufficient sand content [it also has elevated levels of mercury] and about 20,000 cy would have sand that is too coarse to dispose of off-site; sand not used onsite would go to offshore disposal site LA-3. Such disposal would not affect navigation or water quality and would be consistent with past City practice and with the goals of the recently-adopted Harbor Area Management Plan. Accordingly, the project would be considered consistent with HB 13.
<b>Land Use Element</b>		

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LU 1.1	<b>Unique Environment.</b> Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	As described in Section 5.1, the proposed park would enhance views of Newport Bay from Balboa Boulevard, improving the visual character of the western Balboa Peninsula neighborhood. The Balboa Center would add diversity to area architecture. The project would be consistent with this policy.
LU 1.3	<b>Natural Resources.</b> Protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open-space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational, and habitat resources.	The project's land-use designation of PR accommodates a broad range of recreation facilities intended to appeal to local residents as well as visitors of Newport Beach. The proposed park would increase open space in the area and contribute to the character of Newport Beach by enhancing views to the Bay (see Section 5.1, Aesthetics). The project would mitigate the loss of 0.66 acres of sandy intertidal habitat (beach). The project would be consistent with this policy.
LU 1.6	<b>Public Views.</b> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	Although the project site does not include significant visual resources, the proposed park would enhance views of Newport Bay from Balboa Boulevard, thereby improving the visual character of the site (see Section 5.1). The project would be consistent with this policy.
LU 2	A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	The proposed project would help to define the Balboa Peninsula as a recreational focal point in the community through the provision of new park facilities and the expansion of existing community facilities. Accordingly, the project would be consistent with the overall goals of LU-2.
LU 2.5	<b>Harbor and Waterfront Uses.</b> Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for recreational and commercial boaters, visitors, and residents, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents.	The project would supply needed support for recreational boaters, visitors, and residents by providing sailing programs and a recreational and visitor-serving boating facility to accommodate visiting vessels for up to 30 days. Therefore, the project would be consistent with this policy.
LU 2.6	<b>Visitor-Serving Uses.</b> Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.	The primary purpose of the project is to serve residents and visitors to Newport Beach by offering a variety of recreational opportunities including a public park and beach, and a recreational and visitor-serving boating facility. The project would be consistent with this policy.
LU 3.1	<b>Neighborhoods, Districts, Corridors, and Open Spaces.</b> Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.	The project is located in a residential neighborhood. Because the project would enhance the Balboa Peninsula with a community park accessible to residents, business people, and visitors, it would be consistent with this policy.
LU 3.2	<b>Growth and Change.</b> Enhance existing neighborhoods, districts, and corridors, allowing for reuse and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, if they are necessary to accommodate Newport Beach's share of projected regional population growth, if they improve the relationship and reduce commuting distance between home and jobs, or if they enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	The proposed project would enhance the existing neighborhood by providing needed recreational uses on Balboa Peninsula. The proposed uses could increase traffic in the area, but the level of service would remain acceptable, as described in Section 5.11, Transportation and Traffic. Existing public services to the site would be adequate to serve the proposed project. The project would be consistent with this policy.
LU 3.3	<b>Opportunities for Change.</b> Provide opportunities for improved development	The proposed project would provide marine uses along the Bay front, such as slips for

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	and enhanced environments for residents in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7. For the Balboa Peninsula: more efficient patterns of use that consolidate the Peninsula's visitor-serving and mixed uses within the core commercial districts; encourage marine -related uses especially along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; and redevelop underperforming properties outside of the core commercial districts along the Balboa Boulevard corridor for residential. Infill development shall be designed and sited to preserve the historical and architectural fabric of these districts.	visiting boaters, and sailing programs Therefore, the project would be consistent with this policy.
LU 3.6	<b>Waterfront Access.</b> Use public beaches for public recreational uses and prohibit uses that interfere with public access and enjoyment of coastal resources. Encourage the expansion and improvement of access to the waterfront and water uses that provide important links to waterfront uses such as beaches, launching facilities, public docks, and other similar public-water-area uses.	The project includes an enhancement of the existing waterfront park and beach for recreational use. The project would increase access to the beach and would increase recreational amenities by providing areas for sailing classes and community events. In addition, a public recreational and visitor-serving boating facility would encourage water-dependent uses. The project would be consistent with this policy.
LU 5.6.1	<b>Compatible Development.</b> Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	The proposed project would include buildings with a diversity of architecture that would enhance existing development in the area. The project would be consistent with the character of the area, and would result in a substantial enhancement of views from Balboa Boulevard to Newport Bay (see Section 5.1, Aesthetics). The project proposes no changes in land uses other than the removal of a non-conforming use, and thus would be compatible with the adjacent land uses. Therefore, the project would be consistent with this policy.
LU 5.6.2	<b>Form and Environment.</b> Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.	The proposed project would include buildings and structures with a marine motif as described in Section 3.4, Proposed Project. Although one architectural feature would exceed the City's height limit, the proposed architectural feature would be compatible with the surrounding uses as described in Section 5.1, Aesthetics. The project buildings including the lighthouse feature would be set well back from other buildings such that there would not be an abrupt transition in height. Building design incorporates sustainability elements, and thus would not result in temperature and glare impacts (see Mitigation Measures 5.2-1.1 to 5.2-1.11). The project would be consistent with this policy.
LU 5.6.3	<b>Ambient Lighting.</b> Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.	The project would introduce additional lighting on the site, but this additional lighting would be low level safety lighting as well as a marker light feature on top of the proposed lighthouse tower that would not provide external illumination or result in excessive glare. Therefore, the proposed project would be consistent with this policy.
LU 5.6.4	<b>Conformance with the Natural Environmental Setting.</b> Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the bay and coastline, maintaining the environmental character that distinguishes Newport Beach.	The proposed project would preserve environmentally sensitive coastal areas along Newport Bay by mitigating impacts to sandy intertidal habitat, increasing the amount of subtidal habitat, and minimizing the amount of fill (see Section 5.3, Biological Resources). The proposed project would maintain the environmental character of Newport Beach by providing marine-related uses compatible with the existing marine environment. Therefore, the project would be consistent with this policy.
LU 6.1	A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality	The project would offer a variety of facilities to enhance the quality of life for residents and visitors to the City through the provision of educational classes within the multipurpose



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	of life for residents and are located and designed to complement Newport Beach’s neighborhoods.	building, sailing programs in the sailing program building, and a park that provides public views to Newport Bay. The project would be consistent with this policy.
LU 6.1.2	<b>Siting of New Development.</b> Allow for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, are environmentally suitable, and can be supported by transportation and utility infrastructure.	The project would provide a public park, a beach, and facilities for educational classes and community events. Project uses would be consistent with adjoining land uses, including the American Legion Post 291 marina, residential uses and park. As discussed in Sections 5.10 and 5.12 city services and utilities would not be significantly impacted by the project. As discussed in section 5.11 the project would not significantly impact traffic in the area. The project would therefore be consistent with this policy.
LU 6.8	A series of commercial, visitor-serving, marine-related, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics and architectural style, yet integrated by streetscape amenities.	The project would create within Newport Bay a series of visitor-serving and marine-related services, including a visiting-vessel marina and educational and community facilities. Accordingly, the project would foster this goal.
<b>Housing Element</b>		
H 2.1	Encourage preservation of existing and provision of new housing affordable to very low, low- and moderate income households.	The existing mobile home park is located on parks and recreation designated land owned by the City. Due to the non-conforming use of the mobile homes (because they are located on Historic Tidelands), the City does not account for the mobile homes as affordable housing within the City’s Housing Element. Therefore, this policy is not applicable to the proposed project. In 2007 the City approved a relocation impact report and complied with state mobile home closure laws; the City will relocate residents or provide benefits.
H 4.1	Preservation and increased affordability of the City’s housing stock for very low–, low-, and moderate-income households.	
<b>Natural Resources</b>		
NR 1.1	<b>Water Conservation in New Development .</b> Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, require the use of water-efficient landscaping and irrigation in conjunction with new projects.	The project includes the use of low flow fixtures, water efficient equipment, and drought tolerant landscaping, and would incorporate best management practices for storm water and other runoff. Accordingly, the project would be consistent with this policy.
NR 1.2	<b>Use of Water Conserving Devices.</b> Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.	
NR 3	Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	The proposed project would include a recreational and visitor-serving boating facility that could have long-term impacts on water quality. However, Mitigation Measure MM 5.7-A.2 (see Section 5.7, Hydrology and Water Quality) would reduce this potential impact to less than significant. The project would mitigate the loss of 0.66 acres of sandy intertidal habitat and would remove 3,000 cy of silt from the Bay. Therefore, after mitigation, the project would be consistent with this goal.
NR 3.2	<b>Water Pollution Prevention.</b> Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.	The project includes a Water Quality Management Plan and would incorporate a number of best management practices for water pollution control (see Section 5.7, Hydrology and Water Quality), and Appendix H.1 for a copy of the Preliminary Water Quality Management Plan. With these controls, the project’s impact on water quality would be less than significant, and the project would be consistent with the goals of NR 3.
NR 3.4	<b>Storm Drain Sewer System Permit.</b> Comply with the regulations under the city’s municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.	
NR 3.5	<b>Natural Water Bodies.</b> Require that development does not degrade natural water bodies.	
NR 3.9	<b>Water Quality Management Plan.</b> Require new development applications to	

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	include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	
NR 3.10	<b>Best Management Practices.</b> Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.	
NR 3.16	<b>Siting of New Development.</b> Require that development be located on the most suitable portion of the site and designed to ensure the protection and preservation of natural and sensitive site resources that provide important water quality benefits.	
NR 3.17	<b>Parking Lots and Rights-of-Way.</b> Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.	See discussion of policy HB 8.
NR 6.1	<b>Walkable Neighborhoods.</b> Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	The proposed project would provide additional walking paths and open space that would connect to the existing community, and would site a community center and enhanced recreational opportunities near existing housing and employment. Accordingly, the proposed project would be consistent with this policy.
NR 7.1	<b>Fuel Efficient Equipment.</b> Support the use of fuel efficient heating equipment and other appliances.	Without mitigation the proposed project would exceed particulate matter and NOx significance criteria during construction; the City has developed mitigation measures (MM 5.2-A.1 through MM 5.2-A.3) to reduce those emission to below significance. The proposed project would not exceed air pollution significance criteria during operation.
NR 7.3	<b>Incentives for Air Pollution Reduction.</b> Provide incentives to promote siting or to use clean air technologies and building materials (e.g., fuel cell technologies, renewable energy sources, UV coatings, hydrogen fuel).	
NR 8.1	<b>Management of Construction Activities to Reduce Air Pollution.</b> Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	
NR 11	Protection of environmental resources in Newport Harbor while preserving and enhancing public recreational boating activities.	The proposed project development of the project would not result in any long-term impacts to environmental resources after implementation of the recommended mitigation for an identified water quality impact (see Mitigation Measure MM 5.7-A.2 in Section 5.7, Hydrology and Water Quality). Therefore, the proposed project would be consistent with this policy.
NR 14.5	<b>New Structure Design.</b> Require that all structures permitted to encroach into open coastal waters, wetlands, and estuaries be sited and designed to be consistent with the natural appearance of the surrounding area.	The proposed project includes a recreational and visitor-serving boating facility that would encroach into Newport Bay, but the design of the marina structures would be consistent with other waterfront structures in Newport Bay. Therefore, the proposed project would be consistent with this policy.
NR 15.1	<b>Dredging Projects.</b> Monitor dredging projects within the region to identify opportunities to reduce disposal costs and utilize dredge spoils for beach nourishment.	See discussion under Local Coastal Program elements 4.2.4-2 through 4.2.4-4, above. The proposed project would be consistent with this policy.
NR 17.1	<b>Open Space Protection.</b> Protect, conserve, and maintain designated open space areas that define the City's urban form, serve as habitat for many species, and provide recreational opportunities.	See the discussions of LCP policies in Section 3.1, above. The proposed project would be consistent with this policy.
NR 17.3	<b>New Open Space Areas.</b> Consider opportunities to expand designated open space areas within the City.	

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NR 18.1	<b>New Development.</b> Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	See discussion of LCP policy 4.5.1-1, above. The proposed project would be consistent with this policy.
NR 20.1	<b>Enhancement of Significant Resources.</b> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	Veterans Park, east of the project site, is the only nearby public vantage point identified to be protected. As the proposed project would not adversely affect views from that site; it could even enhance views from particular locations in Veteran's Park), it would be consistent with this policy.
NR 20.2	<b>New Development Requirements.</b> Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate	Implementation of the proposed project would improve views to Newport Bay as well as reduce the intensity of structures on the project site (see Section 5.1, Aesthetics). Therefore, the proposed project would be consistent with this policy.
NR 22	Maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.	The proposed project would reduce the intensity of development on the project site, improve views, and include architectural features consistent with the character and visual scale of development in the project vicinity. Therefore, the proposed project would be consistent with this policy.
NR 24.2	<b>Energy-Efficient Design Features.</b> Promote energy-efficient design features.	As indicated in the Project Description Section 3.4, the proposed project would include sustainable and energy efficient features in the project design. Therefore, the proposed project would be consistent with this policy.
<b>Recreation Element</b>		
R1	Provision of Facilities. Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.	Implementation of the proposed project would replace existing recreational facilities with expanded and modernized facilities that would include a multi-purpose building and sailing program building, a public beach and park with a children's play area, basketball courts, and, tennis courts and a marina. This replacement of deteriorated existing recreational facilities with new facilities is determined to be consistent with the intent of Goal R1.
R 1.9	<b>Priority for Facility Provision.</b> Provide additional park and recreation facilities that meet the needs as identified by direct feedback from residents, through analysis of future trends, and through observations by Recreation and Senior Services staff.	As identified in the General Plan, and consistent with input from the community and staff, the project would redevelop the Marina Park site with marine-related recreational facilities for both visitors and residents of Newport Beach in accordance with the needs identified in recent City studies. Accordingly, the project is consistent with the intent of Goal R 1.9.
R 2.3	<b>Preservation of Public Beaches.</b> Preserve all public beaches for public-only purposes.	The proposed (public) project would retain the existing beach except for a small portion that would be removed to build the recreational and visitor-serving boating facility; overall, the project would be consistent with this policy.
R 4.2	<b>Compatible Recreation Activities.</b> Provide a variety of compatible recreational activities within a given location.	The project would provide a variety of marine-related recreational activities compatible with the site, including sailing classes and a beach. These uses would be similar to those that are currently on the project site, but would represent a substantial increase in recreational facilities. Accordingly, the project would be consistent with this policy.
R 6	<b>Provision of Coastal Recreational Opportunities.</b> Protection and enhancement of a wide-range of recreational opportunities along the coast and beaches.	The proposed project includes a variety of marine-related activities that would enhance the coastal area and beaches of Newport Beach. In addition the project would provide a community park and recreational opportunities that would expand and enhance recreational opportunities in the area. The marina would allow visitors and residents to recreate and visit
R 6.1	<b>Protection of Recreational Opportunities.</b> Protect recreational opportunities	

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	along the coast and beaches from nonrecreational uses. Where feasible, expand and enhance recreational opportunities along the coast and beaches	the City by boat. Accordingly, the project would be consistent with these goals and policies.
R 7	<b>Provision of Adequate Support Facilities.</b> Adequate support facilities serving recreational opportunities within the coastal zone.	The proposed recreational and visitor-serving boating facility would support recreational boating, specifically that component represented by visiting vessels. Existing restroom facilities would be reconstructed and new ones added, and existing recreational support facilities (playground, tennis and basketball courts) would be replaced with modern facilities. The marina would include boat pumpout facilities. Accordingly, the project would be consistent with this goal.
R 8.2	<b>Provision of New Facilities.</b> Provide additional marine recreational, educational and support facilities and opportunities <b>as feasible.</b>	The proposed project would expand existing marine recreational and community-serving facilities, including a public recreational and visitor-serving boating facility, and the Balboa Center Complex. These facilities would provide recreational opportunities, including marina rental. The project would enhance guest and public facilities, including a waste pump-out station; utility hook-ups for the marina; and the Balboa Center Complex, including a cafe. The proposed sailing center would support a variety of sailing classes to enhance the City’s sailing program. Accordingly, the project would be consistent with the policies and goals of element R 8.
R 8.3	<b>Interagency Coordination to Provide New Facilities.</b> Encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor. Coordinate work with the Orange County Harbor, Beaches, and Parks Department to provide such facilities where appropriate and feasible.	
R 8.5	<b>Support Facilities.</b> Protect and, where feasible, expand, and enhance: <ul style="list-style-type: none"><li>• Waste pump-out stations</li><li>• Vessel launching facilities, including nonmotorized sail boat launch facilities in Lower Newport Bay</li><li>• Low-cost public launching facilities</li><li>• Marinas and dry boat storage facilities</li><li>• Guest docks at public facilities, yacht clubs and at privately owned-marinas, restaurants and other appropriate locations</li><li>• Facilities and services for visiting vessels</li><li>• Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities</li></ul> Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels.	
R 8.7	<b>Marine Recreational Programs.</b> Protect and enhance specific programs that utilize the harbor, bay, and ocean such as the City’s sailing program and junior lifeguard program.	
R 9	<b>Provision of Public Access.</b> Provision and maintenance of public access for recreational purposes to the City’s coastal resources.	
R 9.1	<b>Provision of Public Coastal Access.</b> Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, acquire additional public access points to these areas and provide parking, where possible.	See the discussion of LCP sections 3.1.1-1 through 3.1.1-9, above. The project would be consistent with Goal R 9 and associated policies.
R 9.4	<b>Bay/Harbor Encroachments.</b> Protect public access to coastal resources from bay/harbor encroachments such as piers, floats, and bulkheads.	
<b>Arts and Cultural Element</b>		
CA 1.1	<b>Public Projects.</b> Encourage the incorporation of public art into major public projects that enhance the City’s community character as well as its built environment, through public art donations, and working with local artists, students, and community groups to create public art projects.	The project would include architectural features (lighthouse and sail atop the sailing center) designed to enhance the community character. The project would include a water feature and would provide opportunities for public art. Accordingly, the project would be consistent with this policy.

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<b>Safety Element</b>		
S 2.1	Maintain beach width, critical protection against tsunami run-up for structures along the oceanfront, through such projects as the Surfside-Sunset/West Newport Beach Replenishment Program.	The proposed project has planned dredging efforts that would export sediment offsite to be utilized to replenish sand beaches on the oceanfront. The Coastal Engineering Study (Appendix H.2) indicates no potential hazards to the project from wave loading. The project would not be exposed to unusual tsunami danger. Therefore, the proposed project would be consistent with this policy.
S 3.5	<b>Protection of Coastal-Dependent Uses.</b> Permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other structures altering natural shoreline processes or retaining walls when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.	See discussion of LCP Policies 2.8.6-5 through 2.8.6-8, above. The proposed project would be consistent with this policies.
S 3.6	<b>Siting of Shoreline Protective Devices.</b> Design and site protective devices to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access, minimize visual impacts, and eliminate or mitigate adverse impacts on local shoreline sand supply.	
S 3.8	<b>Shoreline Protective Device Use.</b> Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new development or for new development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc.	
S 3.9	<b>Shoreline Protection for New Development.</b> Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. Shoreline protection may be permitted to protect existing structures that were legally constructed prior to the certification of the LCP, unless a waiver of future shoreline protection was required by a previous coastal development permit.	
S 5.1	<b>New Development Design within 100-year Floodplains.</b> Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City's storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.	The project is in an area identified as: "Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.". The project would include a new on-site drainage system connected to the City's storm drains, and would incorporate modern runoff reduction features, including grading and impervious surfaces. The site would not experience a greater risk of flooding than at present, nor would it exacerbate flooding issues for adjacent areas (see Section 5.7). Accordingly, the proposed project would be consistent with this policy.
<b>Circulation Element</b>		
CE 2.1.1	<b>Level of Service Standards.</b> Plan the arterial roadway system to accommodate projected traffic at the following level of service standards: A. Level of Service (LOS) "D" throughout the City, unless otherwise noted	Implementation of the proposed project would not cause roadways or intersections to fall below LOS D, meaning that there would be no significant impacts on traffic and circulation. Therefore, the proposed project would be consistent with this policy.

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CE 7.1.1	<b>Required Parking.</b> Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	See the discussion of LCP Section 2.9, above. The proposed project would be consistent with these policies.
CE 7.2.1	Develop parking management programs for areas with inadequate parking.	
<b>Noise Element</b>		
N 1.1	<b>Noise Compatibility of New Development.</b> Require that all proposed projects are compatible with the noise and enforce the interior and exterior noise standards.	As shown in Section 5.9 Noise, noise levels in the vicinity of the project site would remain well below the 70 dB CNEL established in the City’s code, and the project would be consistent with this policy.
N 1.8	<b>Significant Noise Impacts.</b> Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified.	As discussed in Section 5.9, the proposed project would not result in significant noise impacts or increases in CNEL in the operational phase. Therefore, the proposed project would be consistent with this policy
N 2.5	Enforce compliance of all boating activities with the noise standards defined in the Municipal Code.	The proposed project includes a recreational and visitor-serving boating facility that would accommodate visiting vessels; these vessels would be subject to the Municipal Code noise standards. The harbor patrol regulates activities of boats and vessels as well as noise levels. The proposed project is considered to be consistent with this policy.
N 4.1	<b>Stationary Noise Sources.</b> Enforce interior and exterior noise standards outlined in Table N3, and in the City’s Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	Although construction would cause a temporary increase in noise levels, operation of the proposed project is not anticipated to result in a significant increase in noise levels in the area because no new uses would be introduced onto the site, other than a small marina in Phase 3, nor would existing uses be significantly intensified. Accordingly, exterior and interior noise levels in the area would remain compatible with the uses present (see Section 5.9, Noise). Accordingly, the project would be consistent with this policy.
N 4.4	Limit hours when recreational activities in parks and the harbor can take place.	The proposed project would provide residents and visitors with recreational uses such as the proposed park. The park and community facilities would normally close at 10:00 P.M. daily, although other uses on site may close earlier. Therefore, the proposed project would be consistent with this policy.
N 4.6	Enforce the Noise Ordinance noise limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.	Construction activities for the proposed project would adhere to the City Municipal Code and no operations would take place outside of the designated hours of construction. The City has developed mitigation measures (MM 5.9-D.1 through 5.9-D.4) to minimize construction noise from pile-driving activities. Therefore, the proposed project would be consistent with this policy.
N 5.1	<b>Limiting Hours of Activity.</b> Enforce the limits on hours of construction activity.	The City would monitor hours of construction to ensure compliance with the noise ordinance and consistency with this policy.

**Table 5.8-2:  
Consistency of Marina Park Project With Applicable Local Coastal Program Goals and Policies**

Goal/Policy No.	Policy	Consistency Analysis
<b>Local Coastal Program, Coastal Land Use Plan (CLUP adopted July 14, 2009)</b>		
1.3	<b>General Policies.</b> The following policies shall be applied to achieve the goals and objectives of the Coastal Act in applying the policies of this Coastal Land Use Plan: 1. The policies of Chapter 3 of the Coastal Act (PRC Sections 30200 - 30265.5) shall be the guiding policies of the Coastal Land Use Plan.	The project is consistent with the Coastal Land Use Plan (CLUP) and the California Coastal Act. The project would enhance coastal access and coastal recreational opportunities. Local sand supply would not be impacted and with the City has committed to mitigate the loss of 0.66 acres of sandy intertidal habitat. The project would be consistent with this policy.
2.1.1-1	The land use categories in Table 2.1.1-1 establish the type, density, and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.	The Coastal Land Use Plan Map designates the project site as Parks and Recreation – PR – and Public Facilities -- PF. The PR category applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The proposed facilities within the Marina Park project would meet the recreation and open space needs of the community. Therefore, the proposed project is considered consistent with these policies.
2.2.1-1	Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.	The proposed project is a redevelopment of uses on existing public lands. The existing mobile home park is a non-conforming land use located within Parks and Recreation (PR)-designated area. Existing recreational facilities such as tennis courts, children's play area, community center, Girl Scout House, and half basketball court would be replaced with improved facilities as part of the proposed project. Therefore, the proposed project is considered consistent with these policies.
2.2.1-2	Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.	
2.2.2-4	Implement building design and siting regulations to protect coastal resources and public access through height, setback, floor area, lot coverage, building bulk, and other property development standards of the Zoning Code intended to control placement, height, and bulk.	
2.4.1-1	Give priority to coastal-dependent uses over other uses on or near the shoreline.	The proposed project includes the removal of a mobile home park, a non-conforming use that is not coastal dependent, and includes the construction and operation of a recreational and visitor-serving boating facility as well as the Balboa Center which includes the Sailing Program Building for public recreation and educational classes. The recreational and visitor-serving boating facility and the Sailing Program Building are coastal dependent uses. The proposed project would not have adverse impacts on any existing coastal-dependent uses. Therefore, the proposed project is considered consistent with these policies.
2.4.1-3	Discourage re-use of properties that result in the reduction of coastal dependent commercial uses. Allow the re-use of properties that assure coastal-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project.	
2.4.1-4	Design and site new development to avoid impacts to existing coastal dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.	

**Table 5.8-2:  
Consistency of Marina Park Project With Applicable Local Coastal Program Goals and Policies**

Goal/Policy No.	Policy	Consistency Analysis
2.4.2-1	Continue to designate lands for coastal-dependent/related educational and recreational uses.	
2.8.1-2	Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	The project is located on the bay side of the Balboa peninsula. A Coastal Engineering study undertaken to evaluate the coastal processes, including tsunamis, seiches, waves, and storm surges, in the vicinity of the site (see <b>Appendix H.2</b> ) did not identify potential flooding, erosion, or storm-related issues. Therefore, the proposed project is considered consistent with these policies.
2.8.3-1	Require all coastal development permit applications for new development or on a coastal bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through a wave up rush and impact reports prepared by a licensed civil engineer with expertise in coastal processes.	
2.8.6-5	Permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other structures altering natural shoreline processes or retaining walls when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply, unless a waiver of future shoreline protection was required by a previous coastal development permit.	The proposed groin and sheet piles would serve the coastal-dependent use of a new recreational and visitor-serving boating facility. Modeling has shown that the new facilities would not have adverse impacts on local shoreline dynamics as there is no long shore current to be affected given the location of the marina and water fluctuations within the protected waters if Newport Bay.. The new facilities would enhance coastal access and views of the bay.. The proposed groin and sheet piling are the minimum size needed to protect the proposed recreational and visitor-serving boating facility and adjacent shoreline. Therefore, the proposed project is considered consistent with the policies in Section 2.8.6.
2.8.6-6	Design and site protective devices to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access, minimize visual impacts, and eliminate or mitigate adverse impacts on local shoreline sand supply.	
2.8.6-7	Discourage shoreline protective devices on public land to protect private property/development. Site and design any such protective devices as far landward as possible. Such protective devices may be considered only after hazard avoidance, restoration of the sand supply, beach nourishment and planned retreat are exhausted as possible alternatives.	
2.8.6-8	Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new development or for new development	
2.9.3-2	Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.	As part of project implementation the City would develop a Parking Management Plan to provide and regulate parking on site, and increase overall availability to park visitors generate revenue to offset the costs of operating parking facilities, and ensure that sufficient parking is available for project uses. Project parking demand is for 145 spaces. The project would provide 159 spaces. Therefore, the project would be consistent with the relevant policies in Section 2.9.
2.9.3-14	Develop parking management programs for coastal zone areas that achieve the following: <ul style="list-style-type: none"> <li>• Provides adequate, convenient parking for residents, guests, business patrons, and visitors of the coastal zone;</li> <li>• Optimizes use of existing parking spaces;</li> <li>• Provides for existing and future land uses;</li> <li>• Reduces traffic congestion;</li> <li>• Limits adverse parking impacts on user groups;</li> <li>• Provides improved parking information and signage;</li> <li>• Generates reasonable revenues to cover City costs;</li> </ul>	



**Table 5.8-2:  
Consistency of Marina Park Project With Applicable Local Coastal Program Goals and Policies**

Goal/Policy No.	Policy	Consistency Analysis
	Accommodates public transit and alternative modes of transportation.	
3.1.1-1	Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.	Currently, minimal coastal views are provided along existing streets that are perpendicular to the bay. Implementation of the proposed project would open up views of the bay from Balboa Boulevard along approximately 930 linear feet (see Section 5.1, Aesthetics). The proposed project would also increase access to the shoreline and beach by removing existing impediments such as the mobile home park and associated fences, walls, and restrictions to vehicular access, and would provide additional paths along the beach. Therefore, the proposed project is considered consistent with this policy.
3.1.1-9	Protect, expand, and enhance a system of public coastal access that achieves the following: <ul style="list-style-type: none"> <li>• Maximizes public access to and along the shoreline;</li> <li>• Includes pedestrian, hiking, bicycle, and equestrian trails;</li> <li>• Provides connections to beaches, parks, and recreational facilities;</li> <li>• Provides connections with trail systems of adjacent jurisdictions;</li> <li>• Provides access to coastal view corridors;</li> <li>• Facilitates alternative modes of transportation;</li> <li>• Minimizes alterations to natural landforms;</li> <li>• Protects environmentally sensitive habitat areas;</li> <li>• Does not violate private property rights.</li> </ul>	As identified in Section 3, Proposed Project, the proposed project would add two access points from West Balboa Boulevard and preserve the existing access at 18 <sup>th</sup> and 19 <sup>th</sup> streets. Public access to the beach would be provided by walkways within the proposed park as well as access along the western side of the proposed recreational and visitor-serving boating facility. The project site is not near existing regional trail systems or environmentally sensitive habitat areas. The proposed project would involve minimal landform alterations (minor contouring of the park area and creation of a marina basin) and would not violate private property rights. Accordingly, the project is considered to be consistent with the public access policies.
3.2.1-1	Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone	The proposed project includes the replacement of existing oceanfront public recreational facilities as well as providing a new public marina and an oceanfront park for active and passive uses (see discussion of General Plan Recreation Element Policies above). Therefore, the proposed project is considered consistent with this policy.
3.2.1-2	Continue to provide opportunities for a wide range of recreational activities at City parks and beaches.	
3.2.2-4	Develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months	As discussed in the Section 3, Project Description, and Section 5.11, the proposed project would include a Parking Management Program to ensure that sufficient parking remains available for project uses. Various parking-management alternatives were explored, including a fee for parking, meters, and/or other systems to ensure parking is available to visitors of Marina Park and existing adjacent residential and commercial uses are not adversely affected. Therefore, the implementation of the Parking Management Program with the proposed project is considered consistent with this policy.
3.3.2-1	Provide a variety of berthing opportunities reflecting State and regional demand for slip size and affordability throughout Newport Harbor.	The proposed project would add 23 slips for visiting vessels to the five City of Newport Beach slips currently available to visiting vessels, thus increasing the availability of slips to accommodate visiting vessels for up to 30 days. These slips would have access to utilities and shore service. The proposed slips would help meet the current demand for slips for visiting vessels. The proposed marina would not adversely affect existing marinas, including the nearby American Legion Post 291 marina. The proposed project includes a variety of marine-related activities that would enhance the coastal area and beaches of Newport Beach. In addition the project would provide a community park and recreational opportunities that would expand and enhance recreational opportunities in the area. Therefore, the proposed project is considered consistent with these policies.
3.3.2-2	Protect, and where feasible, enhance and expand marinas and dry boat storage facilities.	
3.3.2-6	Protect, and where feasible, enhance and expand guest docks at public facilities, yacht clubs, and at privately owned marinas, restaurants and other appropriate locations.	
3.3.2-7	Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy	

**Table 5.8-2:  
Consistency of Marina Park Project With Applicable Local Coastal Program Goals and Policies**

Goal/Policy No.	Policy	Consistency Analysis
	docks, guest docks, club guest docks, pump-out stations and other features, through City, County, and private means.	
4.2.3-1	Permit the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes in accordance with other applicable provisions of the LCP, where there is no feasibly less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and limited to the following: A. Construction or expansion of port/marine facilities. C. In open coastal waters, other than wetlands, including estuaries and streams, new or expanded boating facilities, including slips, access ramps, piers, marinas, recreational boating, launching ramps, and pleasure ferries, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.	This CLUP Policy mirrors Coastal Act Section 30233(a), except that the Coastal Act does not specifically indicate “marine facilities” that are cited in Subsection A of this policy. The proposed project would result in dredging open coastal waters and sandy intertidal habitat for the construction of a new marina in order to provide enhanced public access to the coast and enhanced coastal-related recreational opportunities. The project includes mitigation for the loss of 0.66 acres of sandy intertidal habitat and BMPs to address water quality. A Draft Delineation of Jurisdictional Waters and Wetlands ( <b>Appendix D.4</b> ) indicates there are no wetlands on the project site.
4.2.3-2	Continue to permit recreational docks and piers as an allowable use within intertidal areas in Newport Harbor.	The docks, slips, and structural pilings that are proposed to be located within the intertidal area of Newport Harbor are considered consistent with this policy.
4.2.3-15	Require new development on the waterfront to design and site docking facilities in relationship to the water’s depth and accessibility.	The proposed recreational and visitor-serving boating facility would be of modest size (23 slips) and would not accommodate craft larger than can easily maneuver in the adjacent channel (up to 50 feet in length). The recreational and visitor-serving boating facility would require only a small amount of dredging to provide an access channel. The pilings, groin, and buildings would be similar to existing facilities of the same type in the project area, and thus would be in harmony with the surrounding area (see Section 5.1 of this Draft REIR). Accordingly, the proposed project would be consistent with these policies.
4.2.3-16	Design and site all structures permitted to encroach into open coastal waters, wetlands, and estuaries to harmonize with the natural appearance of the surrounding area.	
4.2.4-2	Monitor dredging projects within the region to identify opportunities to reduce disposal costs and utilize dredge spoils for beach nourishment.	As discussed in the Dredged-Material Evaluation Report ( <b>Appendix G</b> of the REIR), most of the dredged and excavated material is suitable for beach replenishment (as discussed in the Sand Compatibility Analysis in Appendix H.4 about 20,000 cy would only be suitable for replacement on-site or disposal at LA-3). As discussed in Section 3.4.2, several candidate sites have been identified as potential sand disposal locations; those sites are further analyzed in Section 5.3 of this REIR. There is a small portion (up to 3,000 cubic yards) that would require disposal in an offsite landfill facility. As described in Section 5.3, the proposed project includes construction measures to minimize potential impacts to wildlife and water quality. Accordingly, the proposed project would be considered consistent with these policies.
4.2.4-3	Dredged materials suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment.	
4.2.3-4	Require dredging and dredged material disposal to be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation.	
4.3.2-7	Incorporate site design and source control BMPs in the design and operation of all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control measures.	The proposed project includes various water quality best management practices (see Section 5.7), including construction BMPs and, in the long term, an increase in pervious surfaces, bioswales and biocells, and marina management practices. Therefore, the proposed project is considered consistent with these policies.
4.3.2-8	To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other	

**Table 5.8-2:  
Consistency of Marina Park Project With Applicable Local Coastal Program Goals and Policies**

Goal/Policy No.	Policy	Consistency Analysis
	pollutants into recreational waters.	
4.3.2-11	Require new development to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	
4.3.2-19	Require parking lots and vehicle traffic areas to incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.	The proposed project includes pervious areas surrounding the parking lots to allow storm water runoff to infiltrate into the ground. Therefore, the proposed project is considered consistent with this policy.
4.4.1-11	Restrict development on sandy beach areas to those structures directly supportive of visitor-serving and recreational uses, such as lifeguard towers, recreational equipment, restrooms, and showers. Design and site such structures to minimize impacts to public coastal views.	Beach structures in the proposed project include some of the children's play area, the lighthouse restroom, walkways bordering the sandy beach, and decking that would be part of the Balboa Center Complex. Approximately 0.37 acres of sandy beach would be lost. These structures are directly supportive of visitor-serving and recreational uses. Therefore, the proposed project is considered consistent with this policy.
4.4.2-1	Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.	The main buildings proposed on the project site would be less than 35 feet in height as measured using the methodology specified in the Municipal Code. However, the proposed lighthouse feature would exceed the shoreline height limitation with a height of 73 feet. Policy 4.4.2-3 indicates that building envelopes should be regulated thorough the Zoning Code. The City's Zoning Code allows exceptions to the height limits for architectural features such as the proposed lighthouse tower. Therefore, the project is considered consistent with the Shoreline Height Limitation Zone and consistent with this policy.
4.4.2-2	Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	The proposed project would permanently change existing views of the mobile home park to views of a recreational park; in Phase 3 the view would include the architectural features of the Balboa Center complex. The lighthouse feature's height, approximately 73 feet, would contrast with the remainder of the site and surrounding structures, as its purpose is to provide a visual point of reference in the area and direct the public to a major public amenity. The lighthouse would be a relatively minor horizontal element in comparison to the expanse of waterfront view (930 linear feet) opened by the proposed project and would be less obstructing to the view than the current horizontal mass of buildings. The project includes large setbacks from other uses thus avoiding any abrupt changes in scale. The extra height of the lighthouse would add to the unique character of the area by providing a focal point. Accordingly, the project would be consistent with this policy.
4.4.2-3	Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.	See discussion of Policy 4.4.2-1 above.
4.5.1-1	Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.	There are no known cultural resources on the project site (see Section 5.4 Cultural Resources). Mitigation Measures MM 5.4-B.1 and MM 5.4-C.1, have been developed to ensure that potential impacts to unknown cultural resources are mitigated to a less than significant level. With implementation of these mitigation measures, the proposed project would be consistent with this policy.